

**EIGHTY-FOURTH GENERAL ASSEMBLY  
2012 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

MARCH 22, 2012

**HOUSE AMENDMENT TO  
SENATE FILE 479**

**S-5110**

1 Amend Senate File 479, as passed by the Senate, as  
2 follows:  
3 1. Page 1, before line 1 by inserting:  
4 <Section 1. Section 484B.1, Code 2011, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 3A. "Domesticated swine" means  
7 livestock that is a member of the species or subspecies  
8 sus scrofa domesticus. "Domesticated swine" does  
9 not include a dangerous wild animal as defined in  
10 section 717F.1, including a member of the species sus  
11 scrofa linnaeus, such as swine commonly known as a  
12 Russian boar or European boar of either sex. A swine  
13 classified by the department of agriculture and land  
14 stewardship as fifteen percent or more Russian boar or  
15 European boar is not a domesticated swine.  
16 Sec. \_\_\_\_\_. Section 484B.4, subsection 1, Code 2011,  
17 is amended to read as follows:  
18 1. A person who owns or controls by lease or  
19 otherwise for five or more years, a contiguous tract  
20 of land having an area of not less than three hundred  
21 twenty acres, and who desires to establish a hunting  
22 preserve, to propagate and sell game birds and their  
23 young or unhatched eggs, ~~and or~~ shoot game birds, ~~and~~  
24 ungulates, or domesticated swine on the land, under  
25 this chapter or the rules of the commission, shall  
26 make application to the department for an operator's  
27 license. The application shall be made under oath of  
28 the applicant or under oath of one of its principal  
29 officers if the applicant is an association or  
30 corporation. Under the authority of this license, any  
31 property or facilities to be used for propagating,  
32 holding, processing, or pasturing of game birds, ~~or~~  
33 ungulates, or domesticated swine shall not be required  
34 to be contained within the contiguous land area  
35 used for hunting purposes. The application shall be  
36 accompanied by an operator's license fee of two hundred  
37 dollars.  
38 Sec. \_\_\_\_\_. Section 484B.4, subsection 2, paragraph  
39 d, Code 2011, is amended to read as follows:  
40 d. The game birds, ~~or~~ ungulates, or domesticated  
41 swine released on the preserve will not be detrimental  
42 to wildlife.  
43 Sec. \_\_\_\_\_. Section 484B.7, subsection 2, Code 2011,  
44 is amended to read as follows:  
45 2. Each licensee shall file an annual report with  
46 the department on or before April 30. The report  
47 shall detail the hunting preserve operations during  
48 the preceding license year. The original report shall  
49 be forwarded to the department and a copy shall be  
50 retained in the hunting preserve's file for three years

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1 from the date of expiration of the hunting preserve's  
2 last license issued. Records required by this section  
3 shall be entered in the annual report record within  
4 twenty-four hours of the event. Failure to keep or  
5 submit the required records and reports is grounds for  
6 refusal to renew a license for the succeeding year. An  
7 on-site inspection of property and facilities shall  
8 be conducted by an authorized agent of the department  
9 prior to the initial issuance of a hunting preserve  
10 license. The hunting preserve may be reinspected by  
11 an agent of the department at any reasonable time.  
12 A licensed hunting preserve shall maintain adequate  
13 facilities for all designated birds, ~~and~~ ungulates,  
14 or domesticated swine held under the hunting preserve  
15 license.

16 Sec. \_\_\_\_\_. NEW SECTION. 484B.12A Domesticated swine

17 1. The requirements of this chapter applicable  
18 to ungulates shall apply to domesticated swine. In  
19 addition, a person shall not obtain or retain a hunting  
20 preserve license to confine domesticated swine unless  
21 all of the following apply:

22 a. The domesticated swine must be confined by a  
23 fence as provided in section 484B.5 that is constructed  
24 in a manner and using materials approved by the  
25 department of natural resources in cooperation with the  
26 department of agriculture and land stewardship.

27 b. The department of natural resources shall  
28 provide for special tags to identify domesticated swine  
29 in the same manner as provided for ungulates in section  
30 484B.9.

31 c. In addition to the health requirements for  
32 ungulates provided in section 484B.12, a domesticated  
33 swine shall be subject to all statutes and rules  
34 applicable to the health of swine, as provided in Title  
35 V, subtitle 2, including the prevention, control,  
36 and eradication of diseases afflicting swine. The  
37 department of agriculture may adopt rules to provide  
38 for the testing of such swine. The department of  
39 agriculture and land stewardship may require special  
40 information included in records or reports as provided  
41 in section 484B.7.

42 2. The department of natural resources and the  
43 department of agriculture and land stewardship  
44 shall cooperate in administering this section.  
45 In administering this section, the department of  
46 agriculture and land stewardship may inspect a proposed  
47 hunting preserve and its facilities as provided in  
48 section 484B.4 and may inspect the records or reports  
49 of a hunting preserve licensee, and may inspect  
50 the licensed hunting preserve and facilities at any

- 1 reasonable time.>  
2 2. Page 1, line 1, after <Code> by inserting  
3 <Supplement>  
4 3. Page 1, by striking lines 13 through 25 and  
5 inserting <the family felidae classified as a bengal  
6 with an ancestor classified as an Asian leopard  
7 cat which is a member of the species prionailurus  
8 bengalensis. The bengal must be the fourth or later  
9 filial generation of offspring with the first filial  
10 generation being the offspring of a domestic cat and an  
11 Asian leopard cat, and each subsequent generation being  
12 the offspring of a domestic cat.>  
13 4. Page 1, before line 26 by inserting:  
14 <Sec. \_\_\_\_\_. WILD BOARS.  
15 1. As used in this section, "wild boar" means swine  
16 that is a member of the species sus scrofa linnaeus,  
17 including but not limited to swine commonly known as a  
18 Russian boar or European boar of either sex.  
19 2. Notwithstanding chapter 717F, a person who since  
20 July 1, 2007, has confined one or more wild boars on  
21 a contiguous tract of land having an area of not less  
22 than three hundred twenty acres that is or has been  
23 licensed as a hunting preserve under chapter 484B shall  
24 have ninety days from the effective date of this Act to  
25 destroy all wild boars possessed by the person.  
26 3. A person who complies with subsection 2 shall  
27 not be subject to section 484B.13, 484B.14, or  
28 717F.11.>  
29 5. Title page, line 1, before <cats> by inserting  
30 <, and penalties relating to, swine classified as  
31 domesticated swine and wild boars and>  
32 6. Title page, line 2, by striking <and savannahs>  
33 7. By renumbering as necessary.

RECEIVED FROM THE HOUSE

HOUSE AMENDMENT TO  
SENATE FILE 2164

S-5111

1 Amend Senate File 2164, as passed by the Senate, as  
2 follows:

3 1. Page 2, after line 4 by inserting:  
4 <Sec. \_\_\_\_\_. Section 237A.5, subsection 2, Code 2011,  
5 is amended by adding the following new paragraph:

6 NEW PARAGRAPH. 0g. A person subject to a record  
7 check who is or was employed by a child care facility  
8 or child care home provider and is hired by another  
9 child care facility or child care home provider,  
10 shall be subject to a record check in accordance with  
11 this subsection. However, if the person was subject  
12 to an evaluation because of a transgression in the  
13 person's record and the evaluation determined that  
14 the transgression did not warrant prohibition of the  
15 person's involvement with child care and the latest  
16 record checks do not indicate there is a transgression  
17 that was committed subsequent to that evaluation,  
18 the person may commence employment with the other  
19 child care facility or provider in accordance with  
20 the department's evaluation and an exemption from  
21 any requirements for reevaluation of the latest  
22 record checks is authorized. Authorization of an  
23 exemption under this paragraph "0g" from requirements  
24 for reevaluation of the latest record checks by  
25 the department is subject to all of the following  
26 provisions:

27 (1) The position with the subsequent employer  
28 is substantially the same or has the same job  
29 responsibilities as the position for which the previous  
30 evaluation was performed.

31 (2) Any restrictions placed on the person's  
32 employment in the previous evaluation by the department  
33 shall remain applicable in the person's subsequent  
34 employment.

35 (3) The person subject to the record checks has  
36 maintained a copy of the previous evaluation and  
37 provides the evaluation to the subsequent employer or  
38 the previous employer provides the previous evaluation  
39 from the person's personnel file pursuant to the  
40 person's authorization. If a physical copy of the  
41 previous evaluation is not provided to the subsequent  
42 employer, the record checks shall be reevaluated.

43 (4) Although an exemption under this paragraph  
44 "0g" may be authorized, the subsequent employer may  
45 instead request a reevaluation of the record checks and  
46 may employ the person while the reevaluation is being  
47 performed.>

48 2. Title page, line 3, after <facilities> by  
49 inserting <and child care facilities and homes>

50 3. By renumbering as necessary.

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S-5111 FILED MARCH 21, 2012

HOUSE AMENDMENT TO  
SENATE FILE 2221

S-5112

1 Amend Senate File 2221, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 17, after <the> by inserting  
4 <information in the Iowa court information system  
5 available to the general public, the>

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S-5112 FILED MARCH 21, 2012

HOUSE AMENDMENT TO  
SENATE FILE 2312

S-5113

1 Amend Senate File 2312 as follows:

2 1. Page 4, by striking lines 9 through 11  
3 and inserting <the district court or the clerk's  
4 designee shall require the interested person referred  
5 to in section 229.6, subsection 1, to request a  
6 preapplication>  
7 2. Page 5, by striking lines 6 through 8 and  
8 inserting <section, the clerk or the clerk's designee  
9 shall require the interested person referred to in  
10 subsection 1 to request a preapplication screening  
11 assessment pursuant>

RECEIVED FROM THE HOUSE

S-5113 FILED MARCH 21, 2012

HOUSE AMENDMENT TO  
SENATE FILE 2313

S-5114

1 Amend Senate File 2313, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause  
4 and inserting:

5 <Section 1. 2011 Iowa Acts, chapter 127, section  
6 9, subsection 2, paragraph c, is amended by adding the  
7 following new subparagraph:

8 NEW SUBPARAGRAPH. (3) Notwithstanding section  
9 8.33 or any other provision to the contrary,  
10 any unencumbered or unobligated balance of the  
11 appropriation made in this paragraph for the  
12 insurance division or any other appropriation made for  
13 operational purposes for the fiscal year beginning July  
14 1, 2011, and ending June 30, 2012, that remains unused,  
15 unencumbered, or unobligated at the close of the fiscal  
16 year shall not revert but shall remain available to be  
17 used for any relocation costs of the division in the  
18 succeeding fiscal year.

19 Sec. 2. 2011 Iowa Acts, chapter 127, section 61, is  
20 amended to read as follows:

21 SEC. 61. DEPARTMENT OF ADMINISTRATIVE SERVICES.

22 1. There is appropriated from the general fund of  
23 the state to the department of administrative services  
24 for the fiscal year beginning July 1, 2012, and ending  
25 June 30, 2013, the following amounts, or so much  
26 thereof as is necessary, to be used for the purposes  
27 designated, and for not more than the following  
28 full-time equivalent positions:

29 a. For salaries, support, maintenance, and  
30 miscellaneous purposes:

31 .....	\$	<del>2,010,172</del>
32 .....		<u>3,901,735</u>
33 .....	FTEs	<del>84.18</del>
34 .....		<u>78.37</u>

35 b. For the payment of utility costs:

36 .....	\$	<del>1,313,230</del>
37 .....		<u>2,548,973</u>
38 .....	FTEs	<del>1.00</del>

39 Notwithstanding section 8.33, any excess funds  
40 appropriated for utility costs in this lettered  
41 paragraph shall not revert to the general fund of the  
42 state at the end of the fiscal year but shall remain  
43 available for expenditure for the purposes of this  
44 lettered paragraph during the succeeding fiscal year.

45 c. For Terrace Hill operations:

46 .....	\$	<del>202,957</del>
47 .....		<u>393,939</u>
48 .....	FTEs	<del>6.88</del>

49 d. For the I3 distribution account:

50 .....	\$	<del>1,638,973</del>
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1		
2	e. For operations and maintenance of the Iowa	
3	building:	
4	..... \$	497,768
5		966,164
6	..... FTEs	7.00
7		6.78

8 2. Members of the general assembly serving as  
9 members of the deferred compensation advisory board  
10 shall be entitled to receive per diem and necessary  
11 travel and actual expenses pursuant to section 2.10,  
12 subsection 5, while carrying out their official duties  
13 as members of the board.

14 3. Any funds and premiums collected by the  
15 department for workers' compensation shall be  
16 segregated into a separate workers' compensation  
17 fund in the state treasury to be used for payment of  
18 state employees' workers' compensation claims and  
19 administrative costs. Notwithstanding section 8.33,  
20 unencumbered or unobligated moneys remaining in this  
21 workers' compensation fund at the end of the fiscal  
22 year shall not revert but shall be available for  
23 expenditure for purposes of the fund for subsequent  
24 fiscal years.

25 Sec. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES  
26 - TRANSFER - MEDICATION THERAPY MANAGEMENT  
27 PROGRAM. Contingent upon the enactment of legislation  
28 during the 2012 legislative session establishing  
29 a medication therapy management program, there is  
30 transferred from the fees collected by the board of  
31 pharmacy pursuant to chapter 155A and retained by the  
32 board pursuant to the authority granted in section  
33 147.82 to the department of administrative services  
34 for the fiscal year beginning July 1, 2012, and ending  
35 June 30, 2013, \$510,000 to be used for the medication  
36 therapy management program.

37 Sec. 4. 2011 Iowa Acts, chapter 127, section 65, is  
38 amended to read as follows:

39 SEC. 65. AUDITOR OF STATE.

40 1. There is appropriated from the general fund of  
41 the state to the office of the auditor of state for the  
42 fiscal year beginning July 1, 2012, and ending June  
43 30, 2013, subject to subsection 3 of this section, the  
44 following amount, or so much thereof as is necessary,  
45 to be used for the purposes designated, and for not  
46 more than the following full-time equivalent positions:

47	For salaries, support, maintenance, and	
48	miscellaneous purposes:	
49	..... \$	452,734
50		878,755



1 ..... FTEs 103.00

2 2. The auditor of state may retain additional

3 full-time equivalent positions as is reasonable and

4 necessary to perform governmental subdivision audits

5 which are reimbursable pursuant to section 11.20

6 or 11.21, to perform audits which are requested by

7 and reimbursable from the federal government, and

8 to perform work requested by and reimbursable from

9 departments or agencies pursuant to section 11.5A

10 or 11.5B. The auditor of state shall notify the

11 department of management, the legislative fiscal

12 committee, and the legislative services agency of the

13 additional full-time equivalent positions retained.

14 3. The auditor of state shall allocate resources

15 from the appropriation in this section solely for audit

16 work related to the comprehensive annual financial

17 report, federally required audits, and investigations

18 of embezzlement, theft, or other significant financial

19 irregularities until the audit of the comprehensive

20 annual financial report is complete.

21 Sec. 5. 2011 Iowa Acts, chapter 127, section 66, is

22 amended to read as follows:

23 SEC. 66. IOWA ETHICS AND CAMPAIGN DISCLOSURE

24 BOARD. There is appropriated from the general fund of

25 the state to the Iowa ethics and campaign disclosure

26 board for the fiscal year beginning July 1, 2012, and

27 ending June 30, 2013, the following amount, or so much

28 thereof as is necessary, for the purposes designated:

29 For salaries, support, maintenance, and

30 miscellaneous purposes, and for not more than the

31 following full-time equivalent positions:

32 .....	\$	<del>237,500</del>
33 .....		<u>475,000</u>
34 .....	FTEs	5.00

35 Sec. 6. 2011 Iowa Acts, chapter 127, section 67,

36 subsection 1, is amended to read as follows:

37 1. There is appropriated from the general fund

38 of the state to the department of commerce for the

39 fiscal year beginning July 1, 2012, and ending June 30,

40 2013, the following amounts, or so much thereof as is

41 necessary, for the purposes designated:

42 a. ALCOHOLIC BEVERAGES DIVISION

43 For salaries, support, maintenance, and

44 miscellaneous purposes, and for not more than the

45 following full-time equivalent positions:

46 .....	\$	<del>610,196</del>
47 .....		<u>1,184,387</u>
48 .....	FTEs	<u>21.00</u>
49 .....		<u>18.50</u>

50 b. PROFESSIONAL LICENSING AND REGULATION BUREAU



1 For salaries, support, maintenance, and  
2 miscellaneous purposes, and for not more than the  
3 following full-time equivalent positions:  
4 ..... \$ 300,177  
5 582,641  
6 ..... FTEs 12.00

7 Sec. 7. 2011 Iowa Acts, chapter 127, section 67,  
8 subsection 2, paragraphs a, b, and c, are amended to  
9 read as follows:

10 a. BANKING DIVISION

11 For salaries, support, maintenance, and  
12 miscellaneous purposes, and for not more than the  
13 following full-time equivalent positions:  
14 ..... \$ 4,425,835  
15 9,098,170  
16 ..... FTEs 80.00  
17 70.50

18 b. CREDIT UNION DIVISION

19 For salaries, support, maintenance, and  
20 miscellaneous purposes, and for not more than the  
21 following full-time equivalent positions:  
22 ..... \$ 863,998  
23 1,792,995  
24 ..... FTEs 19.00  
25 15.00

26 c. INSURANCE DIVISION

27 (1) For salaries, support, maintenance, and  
28 miscellaneous purposes, and for not more than the  
29 following full-time equivalent positions:  
30 ..... \$ 2,491,622  
31 4,983,244  
32 ..... FTEs 106.50  
33 99.50

34 (2) The insurance division may reallocate  
35 authorized full-time equivalent positions as necessary  
36 to respond to accreditation recommendations or  
37 requirements. The insurance division expenditures  
38 for examination purposes may exceed the projected  
39 receipts, refunds, and reimbursements, estimated  
40 pursuant to section 505.7, subsection 7, including the  
41 expenditures for retention of additional personnel,  
42 if the expenditures are fully reimbursable and the  
43 division first does both of the following:

44 (a) Notifies the department of management, the  
45 legislative services agency, and the legislative fiscal  
46 committee of the need for the expenditures.

47 (b) Files with each of the entities named in  
48 subparagraph division (a) the legislative and  
49 regulatory justification for the expenditures, along  
50 with an estimate of the expenditures.

1 Sec. 8. 2011 Iowa Acts, chapter 127, section 67,  
2 subsection 2, paragraph d, subparagraphs (1) and (2),  
3 are amended to read as follows:

4 (1) For salaries, support, maintenance, and  
5 miscellaneous purposes, and for not more than the  
6 following full-time equivalent positions:

7 .....	\$	<del>4,086,535</del>
8 .....		8,173,069
9 .....	FTEs	79.00

10 (2) The utilities division may expend additional  
11 funds, including funds for additional personnel, if  
12 those additional expenditures are actual expenses which  
13 exceed the funds budgeted for utility regulation and  
14 the expenditures are fully reimbursable. Before the  
15 division expends or encumbers an amount in excess of  
16 the funds budgeted for regulation, the division shall  
17 first do both of the following:

18 (a) Notify the department of management, the  
19 legislative services agency, and the legislative fiscal  
20 committee of the need for the expenditures.

21 (b) File with each of the entities named in  
22 subparagraph division (a) the legislative and  
23 regulatory justification for the expenditures, along  
24 with an estimate of the expenditures.

25 Sec. 9. 2011 Iowa Acts, chapter 127, section 67,  
26 subsection 2, paragraph d, subparagraph (4), is amended  
27 to read as follows:

28 (4) In addition to the funds otherwise appropriated  
29 to the division in subparagraph (1), and contingent  
30 upon the enactment of legislation during the ~~2011~~  
31 2012 legislative session relating to the permitting,  
32 licensing, construction, and operation of nuclear  
33 generation facilities and establishing rate-making  
34 principles in relation thereto, for salaries, support,  
35 consulting, maintenance, and miscellaneous purposes,  
36 and for not more than the following full-time  
37 equivalent positions:

38 .....	\$	425,000
39 .....	FTEs	3.50

40 Sec. 10. 2011 Iowa Acts, chapter 127, section 68,  
41 is amended to read as follows:

42 SEC. 68. DEPARTMENT OF COMMERCE — PROFESSIONAL  
43 LICENSING AND REGULATION BUREAU. There is appropriated  
44 from the housing trust fund of the Iowa finance  
45 authority created in section 16.181, to the bureau of  
46 professional licensing and regulation of the banking  
47 division of the department of commerce for the fiscal  
48 year beginning July 1, 2012, and ending June 30,  
49 2013, the following amount, or so much thereof as is  
50 necessary, to be used for the purposes designated:

1 For salaries, support, maintenance, and  
2 miscellaneous purposes:  
3 ..... \$ ~~31,159~~  
4 62,317

5 Sec. 11. IOWA TELECOMMUNICATIONS AND TECHNOLOGY  
6 COMMISSION — REGIONAL TELECOMMUNICATIONS  
7 COUNCILS. There is appropriated from the general  
8 fund of the state to the Iowa telecommunications and  
9 technology commission for the fiscal year beginning  
10 July 1, 2012, and ending June 30, 2013, the following  
11 amounts, or so much thereof as is necessary, to be used  
12 for the purposes designated:

13 For state aid for regional telecommunications  
14 councils:  
15 ..... \$ 992,913

16 The regional telecommunications councils established  
17 in section 8D.5 shall use the moneys appropriated  
18 in this section to provide technical assistance for  
19 network classrooms, planning and troubleshooting for  
20 local area networks, scheduling of video sites, and  
21 other related support activities.

22 Sec. 12. 2011 Iowa Acts, chapter 127, section 69,  
23 is amended to read as follows:

24 SEC. 69. GOVERNOR AND LIEUTENANT GOVERNOR. There  
25 is appropriated from the general fund of the state to  
26 the offices of the governor and the lieutenant governor  
27 for the fiscal year beginning July 1, 2012, and ending  
28 June 30, 2013, the following amounts, or so much  
29 thereof as is necessary, to be used for the purposes  
30 designated:

31 For salaries, support, maintenance, and  
32 miscellaneous purposes:  
33 ..... \$ ~~1,144,013~~  
34 2,220,523  
35 ..... FTEs ~~22.88~~  
36 22.00

37 Sec. 13. 2011 Iowa Acts, chapter 127, section 70,  
38 is amended to read as follows:

39 SEC. 70. GOVERNOR'S OFFICE OF DRUG CONTROL  
40 POLICY. There is appropriated from the general fund  
41 of the state to the governor's office of drug control  
42 policy for the fiscal year beginning July 1, 2012, and  
43 ending June 30, 2013, the following amount, or so much  
44 thereof as is necessary, to be used for the purposes  
45 designated:

46 For salaries, support, maintenance, and  
47 miscellaneous purposes, including statewide  
48 coordination of the drug abuse resistance education  
49 (D.A.R.E.) programs or similar programs, and for not  
50 more than the following full-time equivalent positions:

1 .....	\$	<del>145,000</del>
2 .....		<del>290,000</del>
3 .....	FTEs	<del>8.00</del>
4 .....		<del>6.00</del>

5 Sec. 14. 2011 Iowa Acts, chapter 127, section 71,  
6 is amended to read as follows:

7 SEC. 71. DEPARTMENT OF HUMAN RIGHTS. There is  
8 appropriated from the general fund of the state to  
9 the department of human rights for the fiscal year  
10 beginning July 1, 2012, and ending June 30, 2013, the  
11 following amounts, or so much thereof as is necessary,  
12 to be used for the purposes designated:

13 1. CENTRAL ADMINISTRATION DIVISION

14 For salaries, support, maintenance, and  
15 miscellaneous purposes, and for not more than the  
16 following full-time equivalent positions:

17 .....	\$	<del>103,052</del>
18 .....		<del>200,022</del>
19 .....	FTEs	<del>7.00</del>
20 .....		<del>5.35</del>

21 2. COMMUNITY ADVOCACY AND SERVICES DIVISION

22 For salaries, support, maintenance, and  
23 miscellaneous purposes, and for not more than the  
24 following full-time equivalent positions:

25 .....	\$	<del>514,039</del>
26 .....		<del>997,746</del>
27 .....	FTEs	<del>17.00</del>
28 .....		<del>9.38</del>

29 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

30 For salaries, support, maintenance, and  
31 miscellaneous purposes, and for not more than the  
32 following full-time equivalent positions:

33 .....	\$	<del>511,946</del>
34 .....		<del>993,685</del>
35 .....	FTEs	<del>10.00</del>

36 The criminal and juvenile justice planning advisory  
37 council and the juvenile justice advisory council  
38 shall coordinate their efforts in carrying out their  
39 respective duties relative to juvenile justice.

40 Sec. 15. 2011 Iowa Acts, chapter 127, section 72,  
41 is amended to read as follows:

42 SEC. 72. DEPARTMENT OF INSPECTIONS AND  
43 APPEALS. There is appropriated from the general fund  
44 of the state to the department of inspections and  
45 appeals for the fiscal year beginning July 1, 2012, and  
46 ending June 30, 2013, the following amounts, or so much  
47 thereof as is necessary, for the purposes designated:

48 1. ADMINISTRATION DIVISION

49 For salaries, support, maintenance, and  
50 miscellaneous purposes, and for not more than the

1 following full-time equivalent positions:		
2 .....	\$	<del>763,870</del>
3 .....		<del>248,409</del>
4 .....	FTEs	<del>37.40</del>
5 .....		<del>14.25</del>

6 2. ADMINISTRATIVE HEARINGS DIVISION

7 For salaries, support, maintenance, and		
8 miscellaneous purposes, and for not more than the		
9 following full-time equivalent positions:		
10 .....	\$	<del>264,377</del>
11 .....		<del>528,753</del>
12 .....	FTEs	<del>23.00</del>

13 3. INVESTIGATIONS DIVISION

14 a. For salaries, support, maintenance, and		
15 miscellaneous purposes, and for not more than the		
16 following full-time equivalent positions:		
17 .....	\$	<del>584,320</del>
18 .....		<del>1,168,639</del>
19 .....	FTEs	<del>58.50</del>

20 b. The department, in coordination with the

21 investigations division, shall provide a report to

22 the general assembly by January 10, 2013, concerning

23 the fiscal impact of additional full-time equivalent

24 positions on the department's efforts relative to the

25 Medicaid divestiture program under chapter 249F.

26 4. HEALTH FACILITIES DIVISION

27 a. For salaries, support, maintenance, and		
28 miscellaneous purposes, and for not more than the		
29 following full-time equivalent positions:		
30 .....	\$	<del>1,777,664</del>
31 .....		<del>3,917,666</del>
32 .....	FTEs	<del>134.75</del>
33 .....		<del>121.75</del>

34 b. The department shall, in coordination with

35 the health facilities division, make the following

36 information available to the public ~~in a timely manner,~~

37 ~~to include providing the information on as part of~~

38 ~~the department's development efforts to revise the~~

39 ~~department's internet website, during the fiscal year~~

40 ~~beginning July 1, 2012, and ending June 30, 2013:~~

41 (1) The number of inspections conducted by the

42 division annually by type of service provider and type

43 of inspection.

44 (2) The total annual operations budget for the

45 division, including general fund appropriations and

46 federal contract dollars received by type of service

47 provider inspected.

48 (3) The total number of full-time equivalent

49 positions in the division, to include the number of

50 full-time equivalent positions serving in a supervisory

1 capacity, and serving as surveyors, inspectors, or  
2 monitors in the field by type of service provider  
3 inspected.

4 (4) Identification of state and federal survey  
5 trends, cited regulations, the scope and severity of  
6 deficiencies identified, and federal and state fines  
7 assessed and collected concerning nursing and assisted  
8 living facilities and programs.

9 c. It is the intent of the general assembly that  
10 the department and division continuously solicit input  
11 from facilities regulated by the division to assess and  
12 improve the division's level of collaboration and to  
13 identify new opportunities for cooperation.

14 5. EMPLOYMENT APPEAL BOARD

15 a. For salaries, support, maintenance, and  
16 miscellaneous purposes, and for not more than the  
17 following full-time equivalent positions:

18 .....	\$	<del>21,108</del>
19 .....		<u>42,215</u>
20 .....	FTEs	<u>14.00</u>

21 b. The employment appeal board shall be reimbursed  
22 by the labor services division of the department  
23 of workforce development for all costs associated  
24 with hearings conducted under chapter 91C, related  
25 to contractor registration. The board may expend,  
26 in addition to the amount appropriated under this  
27 subsection, additional amounts as are directly billable  
28 to the labor services division under this subsection  
29 and to retain the additional full-time equivalent  
30 positions as needed to conduct hearings required  
31 pursuant to chapter 91C.

32 6. CHILD ADVOCACY BOARD

33 a. For foster care review and the court appointed  
34 special advocate program, including salaries, support,  
35 maintenance, and miscellaneous purposes, and for not  
36 more than the following full-time equivalent positions:

37 .....	\$	<del>1,340,145</del>
38 .....		<u>2,680,290</u>
39 .....	FTEs	<del>40.80</del>
40 .....		<u>32.35</u>

41 b. The department of human services, in  
42 coordination with the child advocacy board and the  
43 department of inspections and appeals, shall submit an  
44 application for funding available pursuant to Tit. IV-E  
45 of the federal Social Security Act for claims for child  
46 advocacy board administrative review costs.

47 c. The court appointed special advocate program  
48 shall investigate and develop opportunities for  
49 expanding fund-raising for the program.

50 d. Administrative costs charged by the department

1 of inspections and appeals for items funded under this  
2 subsection shall not exceed 4 percent of the amount  
3 appropriated in this subsection.

4 Sec. 16. 2011 Iowa Acts, chapter 127, section 72,  
5 is amended by adding the following new subsection:

6 NEW SUBSECTION. 7. FOOD AND CONSUMER SAFETY

7 For salaries, support, maintenance, and  
8 miscellaneous purposes, and for not more than the  
9 following full-time equivalent positions:

10 .....	\$	1,279,331
11 .....	FTEs	21.00

12 Sec. 17. 2011 Iowa Acts, chapter 127, section 73,  
13 is amended to read as follows:

14 SEC. 73. DEPARTMENT OF INSPECTIONS AND APPEALS –  
15 MUNICIPAL CORPORATION FOOD INSPECTIONS. For the fiscal  
16 year beginning July 1, 2012, and ending June 30, 2013,  
17 the department of inspections and appeals shall retain  
18 any license fees generated during the fiscal year as  
19 a result of actions under section 137F.3A occurring  
20 during the period beginning July 1, 2009, and ending  
21 June 30, ~~2011~~ 2013, for the purpose of enforcing the  
22 provisions of chapters 137C, 137D, and 137F.

23 Sec. 18. DEPARTMENT OF INSPECTIONS AND  
24 APPEALS – GENERAL SUPPORT – MEDICAID FRAUD FUND  
25 APPROPRIATION. There is appropriated from the Medicaid  
26 fraud fund created in section 249A.7 to the health  
27 facilities division of the department of inspections  
28 and appeals for the fiscal year beginning July 1, 2012,  
29 and ending June 30, 2013, the following amount, or  
30 so much thereof as is necessary, to be used for the  
31 purposes designated:

32 For salaries, support, maintenance, and  
33 miscellaneous purposes:  
34 ..... \$ 286,661

35 Sec. 19. DEPARTMENT OF INSPECTIONS AND APPEALS  
36 – STATE MATCH REQUIREMENTS – MEDICAID FRAUD FUND  
37 APPROPRIATION. There is appropriated from the Medicaid  
38 fraud fund created in section 249A.7 to the department  
39 of inspections and appeals for the fiscal year  
40 beginning July 1, 2012, and ending June 30, 2013, the  
41 following amounts, or so much thereof as is necessary,  
42 to be used for the purposes designated:

43 1. To cover the cost of any state match to draw  
44 down matching federal funds through the department of  
45 human services for additional full-time equivalent  
46 positions for conducting investigations of alleged  
47 fraud and overpayments of food assistance benefits  
48 through electronic benefits transfer:  
49 ..... \$ 119,070

50 2. For the state financial match requirement



1 for meeting the federal mandates connected with the  
2 department's Medicaid fraud and abuse activities:  
3 ..... \$ 885,262

4 3. To cover costs incurred by the department or  
5 other agencies in providing regulation, responding to  
6 allegations, or other activity involving chapter 1350:  
7 ..... \$ 119,480

8 Sec. 20. DEPARTMENT OF INSPECTIONS AND APPEALS  
9 - LEGISLATIVE IMPLEMENTATION - MEDICAID FRAUD FUND  
10 APPROPRIATION. There is appropriated from the Medicaid  
11 fraud fund created in section 249A.7 to the department  
12 of inspections and appeals for the fiscal year  
13 beginning July 1, 2012, and ending June 30, 2013, the  
14 following amount, or so much thereof as is necessary,  
15 to be used for the purposes designated:

16 For salaries, support, maintenance, miscellaneous  
17 purposes, administration, and other costs associated  
18 with implementation of 2010 Iowa Acts, chapter 1177:  
19 ..... \$ 250,000

20 Sec. 21. 2011 Iowa Acts, chapter 127, section 78,  
21 is amended to read as follows:

22 SEC. 78. RACING AND GAMING COMMISSION.

23 1. RACETRACK REGULATION

24 There is appropriated from the gaming regulatory  
25 revolving fund established in section 99F.20 to the  
26 racing and gaming commission of the department of  
27 inspections and appeals for the fiscal year beginning  
28 July 1, 2012, and ending June 30, 2013, the following  
29 amount, or so much thereof as is necessary, to be used  
30 for the purposes designated:

31 For salaries, support, maintenance, and  
32 miscellaneous purposes for the regulation of  
33 pari-mutuel racetracks, and for not more than the  
34 following full-time equivalent positions:  
35 ..... \$ ~~1,255,720~~  
36 2,898,925  
37 ..... FTEs ~~28.53~~  
38 32.03

39 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

40 There is appropriated from the gaming regulatory  
41 revolving fund established in section 99F.20 to the  
42 racing and gaming commission of the department of  
43 inspections and appeals for the fiscal year beginning  
44 July 1, 2012, and ending June 30, 2013, the following  
45 amount, or so much thereof as is necessary, to be used  
46 for the purposes designated:

47 For salaries, support, maintenance, and  
48 miscellaneous purposes for administration and  
49 enforcement of the excursion boat gambling and gambling  
50 structure laws, and for not more than the following

1 full-time equivalent positions:

2 .....	\$	<del>1,539,050</del>
3		<u>2,923,838</u>
4 .....	FTEs	<del>44.22</del>
5		<u>40.72</u>

6 Sec. 22. 2011 Iowa Acts, chapter 127, section 79,  
7 is amended to read as follows:

8 SEC. 79. ROAD USE TAX FUND APPROPRIATION –

9 DEPARTMENT OF INSPECTIONS AND APPEALS. There is  
10 appropriated from the road use tax fund created in  
11 section 312.1 to the administrative hearings division  
12 of the department of inspections and appeals for the  
13 fiscal year beginning July 1, 2012, and ending June 30,  
14 2013, the following amount, or so much thereof as is  
15 necessary, for the purposes designated:

16 For salaries, support, maintenance, and  
17 miscellaneous purposes:

18 .....	\$	<del>811,949</del>
19		<u>1,623,897</u>

20 Sec. 23. 2011 Iowa Acts, chapter 127, section 80,  
21 is amended to read as follows:

22 SEC. 80. DEPARTMENT OF MANAGEMENT.

23 1. There is appropriated from the general fund  
24 of the state to the department of management for the  
25 fiscal year beginning July 1, 2012, and ending June 30,  
26 2013, the following amounts, or so much thereof as is  
27 necessary, to be used for the purposes designated:

28 For salaries, support, maintenance, and  
29 miscellaneous purposes, and for not more than the  
30 following full-time equivalent positions:

31 .....	\$	<del>1,196,999</del>
32		<u>2,323,370</u>
33 .....	FTEs	<del>25.00</del>
34		<u>20.00</u>

35 2. Of the moneys appropriated in this section, the  
36 department shall use a portion for enterprise resource  
37 planning, providing for a salary model administrator,  
38 conducting performance audits, and for the department's  
39 LEAN process.

40 Sec. 24. 2011 Iowa Acts, chapter 127, section 81,  
41 is amended to read as follows:

42 SEC. 81. ROAD USE TAX APPROPRIATION – DEPARTMENT  
43 OF MANAGEMENT. There is appropriated from the road use  
44 tax fund created in section 312.1 to the department  
45 of management for the fiscal year beginning July 1,  
46 2012, and ending June 30, 2013, the following amount,  
47 or so much thereof as is necessary, to be used for the  
48 purposes designated:

49 For salaries, support, maintenance, and  
50 miscellaneous purposes:

1 ..... \$ 28,000  
2 ..... 56,000

3 Sec. 25. 2011 Iowa Acts, chapter 127, section 82,  
4 is amended to read as follows:  
5 SEC. 82. DEPARTMENT OF REVENUE.  
6 1. There is appropriated from the general fund  
7 of the state to the department of revenue for the  
8 fiscal year beginning July 1, 2012, and ending June 30,  
9 2013, the following amounts, or so much thereof as is  
10 necessary, to be used for the purposes designated:  
11 For salaries, support, maintenance, and  
12 miscellaneous purposes, and for not more than the  
13 following full-time equivalent positions:  
14 ..... \$ 8,829,742  
15 ..... 17,138,488  
16 ..... FTEs 303.48  
17 ..... 245.46

18 2. Of the funds appropriated pursuant to this  
19 section, \$400,000 shall be used to pay the direct  
20 costs of compliance related to the collection and  
21 distribution of local sales and services taxes imposed  
22 pursuant to chapters 423B and 423E.  
23 3. The director of revenue shall prepare and issue  
24 a state appraisal manual and the revisions to the  
25 state appraisal manual as provided in section 421.17,  
26 subsection 17, without cost to a city or county.  
27 Sec. 26. 2011 Iowa Acts, chapter 127, section 83,  
28 is amended to read as follows:  
29 SEC. 83. MOTOR VEHICLE FUEL TAX  
30 APPROPRIATION. There is appropriated from the motor  
31 fuel tax fund created by section 452A.77 to the  
32 department of revenue for the fiscal year beginning  
33 July 1, 2012, and ending June 30, 2013, the following  
34 amount, or so much thereof as is necessary, to be used  
35 for the purposes designated:  
36 For salaries, support, maintenance, miscellaneous  
37 purposes, and for administration and enforcement of the  
38 provisions of chapter 452A and the motor vehicle use  
39 tax program:  
40 ..... \$ 652,888  
41 ..... 1,305,775

42 Sec. 27. 2011 Iowa Acts, chapter 127, section 84,  
43 is amended to read as follows:  
44 SEC. 84. SECRETARY OF STATE.  
45 1. There is appropriated from the general fund of  
46 the state to the office of the secretary of state for  
47 the fiscal year beginning July 1, 2012, and ending June  
48 30, 2013, the following amounts, or so much thereof as  
49 is necessary, to be used for the purposes designated:  
50 For salaries, support, maintenance, and

1	miscellaneous purposes, and for not more than the	
2	following full-time equivalent positions:	
3	.....	\$ 1,447,793
4		2,810,159
5	..... FTEs	45.00
6		34.00

7     2. The state department or state agency which  
 8 provides data processing services to support voter  
 9 registration file maintenance and storage shall provide  
 10 those services without charge.

11     Sec. \_\_\_\_\_. 2011 Iowa Acts, chapter 127, section 85,  
 12 is amended to read as follows:

13     SEC. 85. SECRETARY OF STATE FILING FEES REFUND.  
 14 Notwithstanding the obligation to collect fees pursuant  
 15 to the provisions of section 489.117, subsection 1,  
 16 paragraphs "a" and "o", section 490.122, subsection  
 17 1, paragraphs "a" and "s", and section 504.113,  
 18 subsection 1, paragraphs "a", "c", "d", "j", "k", "l",  
 19 and "m", for the fiscal year beginning July 1, 2012,  
 20 the secretary of state may refund these fees to the  
 21 filer pursuant to rules established by the secretary of  
 22 state. The decision of the secretary of state not to  
 23 issue a refund under rules established by the secretary  
 24 of state is final and not subject to review pursuant  
 25 to chapter 17A.

26     Sec. 28. 2011 Iowa Acts, chapter 127, section 86,  
 27 is amended to read as follows:

28     SEC. 86. TREASURER.

29     1. There is appropriated from the general fund of  
 30 the state to the office of treasurer of state for the  
 31 fiscal year beginning July 1, 2012, and ending June 30,  
 32 2013, the following amount, or so much thereof as is  
 33 necessary, to be used for the purposes designated:

34	For salaries, support, maintenance, and	
35	miscellaneous purposes, and for not more than the	
36	following full-time equivalent positions:	
37	.....	\$ 427,145
38		829,086
39	..... FTEs	28.80

40     2. The office of treasurer of state shall supply  
 41 clerical and secretarial support for the executive  
 42 council.

43     Sec. 29. 2011 Iowa Acts, chapter 127, section 87,  
 44 is amended to read as follows:

45     SEC. 87. ROAD USE TAX APPROPRIATION – OFFICE  
 46 OF TREASURER OF STATE. There is appropriated from  
 47 the road use tax fund created in section 312.1 to  
 48 the office of treasurer of state for the fiscal year  
 49 beginning July 1, 2012, and ending June 30, 2013, the  
 50 following amount, or so much thereof as is necessary,

1 to be used for the purposes designated:

2 For enterprise resource management costs related to  
3 the distribution of road use tax funds:

4 ..... \$ 46,574  
5 93,148

6 Sec. 30. 2011 Iowa Acts, chapter 127, section 88,  
7 is amended to read as follows:

8 SEC. 88. IPERS – GENERAL OFFICE. There is  
9 appropriated from the Iowa public employees' retirement  
10 system fund to the Iowa public employees' retirement  
11 system for the fiscal year beginning July 1, 2012, and  
12 ending June 30, 2013, the following amount, or so much  
13 thereof as is necessary, to be used for the purposes  
14 designated:

15 For salaries, support, maintenance, and other  
16 operational purposes to pay the costs of the Iowa  
17 public employees' retirement system, and for not more  
18 than the following full-time equivalent positions:

19 ..... \$ 8,843,484  
20 17,686,968  
21 ..... FTEs 90.13

22 Sec. 31. 2011 Iowa Acts, chapter 129, section 149,  
23 is amended to read as follows:

24 SEC. 149. MEDICAID FRAUD ACCOUNT – DEPARTMENT OF  
25 INSPECTIONS AND APPEALS. There is appropriated from  
26 the Medicaid fraud account created in section 249A.7  
27 to the department of inspections and appeals for the  
28 fiscal year beginning July 1, 2012, and ending June 30,  
29 2013, the following amount, or so much thereof as is  
30 necessary, to be used for the purposes designated:

31 For the inspection and certification of assisted  
32 living programs and adult day care services, including  
33 program administration and costs associated with  
34 implementation:

35 ..... \$ 669,764  
36 1,339,527

37 Sec. \_\_\_\_\_. Section 249A.7, subsection 3, paragraph  
38 b, Code Supplement 2011, is amended to read as follows:

39 b. Notwithstanding section 8.33, moneys credited  
40 to the fund from any other account or fund shall not  
41 revert to the other account or fund. Moneys in the  
42 fund shall ~~only be used as provided in appropriations~~  
43 ~~from the fund and shall be used in accordance with~~  
44 ~~applicable laws, regulations, and the policies of~~  
45 ~~the office of inspector general of the United States~~  
46 ~~department of health and human services transferred to~~  
47 the health care trust fund created in section 453A.35A.

48 Sec. \_\_\_\_\_. Section 453A.35A, subsection 1, Code  
49 Supplement 2011, is amended to read as follows:

50 1. A health care trust fund is created in the

1 office of the treasurer of state. The fund consists  
2 of the revenues generated from the tax on cigarettes  
3 pursuant to section 453A.6, subsection 1, and from  
4 the tax on tobacco products as specified in section  
5 453A.43, subsections 1, 2, 3, and 4, that are credited  
6 to the health care trust fund, annually, pursuant to  
7 section 453A.35. The fund shall also consist of moneys  
8 transferred from the Medicaid fraud fund created in  
9 section 249A.7. Moneys in the fund shall be separate  
10 from the general fund of the state and shall not be  
11 considered part of the general fund of the state.  
12 However, the fund shall be considered a special account  
13 for the purposes of section 8.53 relating to generally  
14 accepted accounting principles. Moneys in the fund  
15 shall be used only as specified in this section and  
16 shall be appropriated only for the uses specified.  
17 Moneys in the fund are not subject to section 8.33  
18 and shall not be transferred, used, obligated,  
19 appropriated, or otherwise encumbered, except as  
20 provided in this section. Notwithstanding section  
21 12C.7, subsection 2, interest or earnings on moneys  
22 deposited in the fund shall be credited to the fund.  
23 Sec. 34. EFFECTIVE UPON ENACTMENT. The following  
24 provision or provisions of this Act, being deemed of  
25 immediate importance, take effect upon enactment:  
26 1. The section of this Act amending 2011 Iowa Acts,  
27 chapter 127, section 9, subsection 2, paragraph "c".  
28 Sec. \_\_\_\_\_. EFFECTIVE DATE. The following provision  
29 or provisions of this Act take effect July 1, 2013:  
30 1. The section of this Act amending section 249A.7.  
31 2. The section of this Act amending section  
32 453A.35A.  
33 Sec. 35. RETROACTIVE APPLICABILITY. The following  
34 provision or provisions of this Act apply retroactively  
35 to July 1, 2011:  
36 1. The section of this Act amending 2011 Iowa Acts,  
37 chapter 127, section 9, subsection 2, paragraph "c".>  
38 2. Title page, line 3, after <atters> by inserting  
39 <and including effective date and retroactive  
40 applicability provisions>  
41 3. By renumbering, redesignating, and correcting  
42 internal references as necessary.

RECEIVED FROM THE HOUSE

**HOUSE AMENDMENT TO  
SENATE FILE 2314**

**S-5115**

1 Amend Senate File 2314, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, before line 1 by inserting:  
4 <Sec. \_\_\_\_\_. 2011 Iowa Acts, chapter 125, section 2,  
5 subsection 1, paragraphs a and c, are amended to read  
6 as follows:  
7 a. Operations:  
8 ..... \$ ~~40,356,529~~  
9 40,076,529  
10 ..... FTEs 296.00  
11 c. Highways:  
12 ..... \$~~230,913,992~~  
13 230,113,992  
14 ..... FTEs 2,247.00>  
15 2. Page 2, line 31, by striking <550,000> and  
16 inserting <~~550,000~~ 350,000>  
17 3. Page 4, line 29, by striking <242,000> and  
18 inserting <80,667>  
19 4. Page 6, after line 8 by inserting:  
20 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The following  
21 provision of this Act, being deemed of immediate  
22 importance, takes effect upon enactment:  
23 1. The section of this Act amending 2011 Acts,  
24 chapter 125, section 2, subsection 1, paragraphs a and  
25 c.>  
26 5. By renumbering as necessary.

RECEIVED FROM THE HOUSE

**S-5115** FILED MARCH 21, 2012

**HOUSE FILE 2092**

**S-5121**

1 Amend House File 2092, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 6, after <consumption.> by  
4 inserting <Notwithstanding chapters 191, 192, and 194,  
5 "farmers market" includes a marketplace which sells  
6 raw milk or raw milk products. The sale of such milk  
7 or milk products shall be regulated by the department  
8 of inspections and appeals in cooperation with the  
9 department of agriculture and land stewardship.>  
10 2. Page 1, line 9, by striking <food> and inserting  
11 <food, including but not limited to raw milk and  
12 products using raw milk,>  
13 3. By renumbering as necessary.

**By KENT SORENSON**

**S-5121** FILED MARCH 21, 2012  
RULED OUT OF ORDER



S-5120

1 Amend House File 2228, as passed by the House, as  
2 follows:

3 1. Page 1, after line 32 by inserting:

4 <Sec. \_\_\_\_\_. Section 321.323A, Code 2011, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 3. a. A person convicted of a  
7 violation of this section commits a simple misdemeanor  
8 punishable as a scheduled violation under section  
9 805.8A, subsection 11.

10 b. A person convicted of a violation of this  
11 section which resulted in an accident causing bodily  
12 injury to or the death of another person may be subject  
13 to the following penalties in addition to the penalty  
14 provided for a scheduled violation in section 805.8A,  
15 subsection 11, or any other penalty provided by law:

16 (1) For a violation causing bodily injury to  
17 another person, a fine of five hundred dollars.

18 (2) For a violation causing death, a fine of one  
19 thousand dollars.

20 c. Upon receiving a record of a person's conviction  
21 for a violation under paragraph "a" which resulted in  
22 an accident causing damage to the property of another  
23 person or bodily injury to or death of another person,  
24 the department shall suspend the person's driver's  
25 license or operating privileges, upon thirty days'  
26 notice and without preliminary hearing, as follows:

27 (1) For a violation causing damage to the property  
28 of another person, but not resulting in bodily injury  
29 or death of to another person, the department shall  
30 suspend the violator's driver's license or operating  
31 privileges for ninety days.

32 (2) For a violation causing bodily injury to  
33 another person, the department shall suspend the  
34 violator's driver's license or operating privileges for  
35 one hundred eighty days.

36 (3) For a violation causing death, the department  
37 shall suspend the violator's driver's license or  
38 operating privileges for one year.

39 Sec. \_\_\_\_\_. Section 321.482A, unnumbered paragraph 1,  
40 Code 2011, is amended to read as follows:

41 Notwithstanding section 321.482, a person who is  
42 convicted of operating a motor vehicle in violation  
43 of section 321.178, subsection 2, paragraph "a",  
44 subparagraph (2), section 321.180B, subsection 6,  
45 section 321.194, subsection 1, paragraph "c", section  
46 321.256, section 321.257, section 321.275, subsection  
47 4, section 321.276, 321.297, 321.298, 321.299, 321.302,  
48 321.303, 321.304, 321.305, 321.306, 321.307, 321.308,  
49 section 321.309, subsection 2, or section 321.311,  
50 321.319, 321.320, 321.321, 321.322, 321.323, ~~321.323A,~~

**S-5120**

Page 2

1 321.324, 321.324A, 321.327, 321.329, or 321.333 causing  
2 serious injury to or the death of another person may be  
3 subject to the following penalties in addition to the  
4 penalty provided for a scheduled violation in section  
5 805.8A or any other penalty provided by law:

6 Sec. \_\_\_\_\_. PUBLIC AWARENESS AND COMPLIANCE  
7 PROGRAMS. The department of transportation, in  
8 conjunction with the department of public safety, shall  
9 establish programs to foster public awareness of and  
10 compliance with the requirements of section 321.323A.>

11 2. Title page, line 2, after <to> by inserting  
12 <change lanes or>

13 3. Title page, line 3, by striking <situations.>  
14 and inserting <situations, and providing penalties.>

15 4. By renumbering as necessary.

**By MATT McCOY**

**S-5120** FILED MARCH 21, 2012

ADOPTED

**HOUSE FILE 2335**

**S-5109**

1 Amend the amendment, S-5056, to House File 2335,  
2 as amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 16, after line 48 by inserting:

5 <Sec. \_\_\_\_\_. Section 904A.4A, Code 2011, is amended  
6 by adding the following new subsections:

7 NEW SUBSECTION. 7. Act as the representative of  
8 the board relative to the passage, defeat, approval, or  
9 modification of legislation that is being considered by  
10 the general assembly.

11 NEW SUBSECTION. 8. Develop a budget for the board  
12 subject to the approval of the board and prepare all  
13 reports required by law.

14 NEW SUBSECTION. 9. Hire and supervise all staff  
15 pursuant to the provisions of chapter 8A, subchapter  
16 IV.

17 Sec. \_\_\_\_\_. REPEAL. Section 904A.4B, Code 2011, is  
18 repealed.>

**By TOM HANCOCK**

**S-5109** FILED MARCH 21, 2012

ADOPTED

HOUSE FILE 2336

S-5118

1 Amend the amendment, S-5057, to House File 2336, as  
2 passed by the House, as follows:

3 1. Page 4, after line 8 by inserting:

4 <\_\_\_\_. a. The department shall use 32 of the  
5 full-time equivalent positions authorized pursuant  
6 to subsection 1 to support full-time park ranger  
7 positions, including four new full-time park ranger  
8 positions.

9 b. Notwithstanding paragraph "a", if the department  
10 determines that the amount of the appropriation made in  
11 subsection 1 is not sufficient to support 32 full-time  
12 park ranger positions, it shall support at least 30  
13 full-time park ranger positions.

14 c. The department shall not reduce the number of  
15 full-time park ranger positions to fewer than 30.>

16 2. Page 4, after line 34 by inserting:

17 <\_\_\_\_. From the amount appropriated in subsection  
18 1, the department shall support at least 84 full-time  
19 conservation officer positions.>

20 3. Page 6, by striking lines 19 through 31.

21 4. Page 6, before line 32 by inserting:

22 <DIVISION \_\_\_\_

23 USE OF MONEYS IN THE STATE FISH AND GAME PROTECTION  
24 FUND – PURCHASE OF RADIOS

25 Sec. \_\_\_\_\_. 2011 Iowa Acts, chapter 128, section 19,  
26 subsection 1, is amended to read as follows:

27 1. Notwithstanding 2010 Iowa Acts, chapter 1191,  
28 section 7, the department of natural resources may use  
29 the unappropriated balance remaining in the state fish  
30 and game protection fund for the fiscal year beginning  
31 July 1, 2010, and ending June 30, 2011, to purchase  
32 mobile radios to meet federal and state requirements  
33 for homeland security and public safety. This section  
34 applies to those moneys in the fund that are not  
35 otherwise used, obligated, or encumbered for payment  
36 of health and life insurance premium payments for  
37 conservation peace officer retirements for that fiscal  
38 year. The department may use such moneys until June  
39 30, ~~2012~~ 2013.

40 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
41 of this Act amending 2011 Iowa Acts, chapter 128,  
42 section 19, subsection 1, being deemed of immediate  
43 importance, takes effect upon enactment.>

44 5. Page 12, after line 17 by inserting:

45 <\_\_\_\_. Title page, line 3, after <protection> by  
46 inserting <, and including effective date provisions>>

47 6. By renumbering as necessary.

**By DENNIS H. BLACK**

S-5118 FILED MARCH 21, 2012

ADOPTED

S-5117

1 Amend House File 2345, as passed by the House, as  
2 follows:

3 1. Page 1, after line 6 by inserting:

4 <Sec. \_\_\_\_\_. Section 598.41, subsection 5, paragraph  
5 a, Code 2011, is amended to read as follows:

6 a. (1) If joint legal custody is awarded to both  
7 parents, the court may award joint physical care  
8 to both joint custodial parents upon the request of  
9 either parent during the proceedings on the initial  
10 dissolution petition or during the proceedings on  
11 a modification of the original custody order. A  
12 rebuttable presumption exists that a request for  
13 joint physical care by either parent is in the best  
14 interest of the child. The burden of proof to rebut  
15 the presumption rests on the party denying that joint  
16 physical care is in the best interest of the child, and  
17 such party shall demonstrate that joint physical care  
18 is not in the best interest of the child by clear and  
19 convincing evidence.

20 (2) Prior to ruling on the request for the award  
21 of joint physical care, the court may require the  
22 parents to submit, either individually or jointly,  
23 a proposed joint physical care parenting plan. A  
24 proposed joint physical care parenting plan shall  
25 address how the parents will make decisions affecting  
26 the child, how the parents will provide a home for the  
27 child, how the child's time will be divided between  
28 the parents and how each parent will facilitate the  
29 child's time with the other parent, arrangements in  
30 addition to court-ordered child support for the child's  
31 expenses, how the parents will resolve major changes  
32 or disagreements affecting the child including changes  
33 that arise due to the child's age and developmental  
34 needs, and any other issues the court may require.

35 (3) If the court finds by clear and convincing  
36 evidence that joint physical care is not in the best  
37 interest of the child and denies the request for joint  
38 physical care, the determination shall be accompanied  
39 by specific findings of fact and conclusions of law  
40 that the awarding of joint physical care is not in  
41 the best interest of the child. In determining the  
42 best interest of the child relative to the denial of  
43 a request for joint physical care, the court shall  
44 consider that the best interest of the child includes  
45 the opportunity for the maximum continuous physical and  
46 emotional contact possible with both parents, unless  
47 direct physical or significant emotional harm to the  
48 child may result from such contact.>

49 2. By renumbering as necessary.

**By** NANCY J. BOETTGER  
BRAD ZAUN  
JERRY BEHN  
KENT SORENSON  
BILL ANDERSON  
RICK BERTRAND  
JONI ERNST  
JAMES F. HAHN  
ROBERT BACON

JAMES A. SEYMOUR  
DAVID JOHNSON  
SANDRA H. GREINER  
MARK CHELGREN  
RANDY FEENSTRA  
TIM KAPUCIAN  
PAUL MCKINLEY  
JACK WHITVER

**S-5117** FILED MARCH 21, 2012

**HOUSE FILE 2369**

**S-5119**

1 Amend House File 2369, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, before line 1 by inserting:  
4 <Section 1. Section 144.26, subsection 3, Code  
5 Supplement 2011, is amended to read as follows:  
6 3. a. The county in which a dead body is found  
7 is the county of death. If death occurs in a moving  
8 conveyance, the county in which the dead body is first  
9 removed from the conveyance is the county of death.  
10 b. If a decedent died outside of the county of  
11 the decedent's residence, the state registrar shall  
12 send a copy of the decedent's death certificate and  
13 any amendments to the county registrar of the county  
14 of the decedent's residence. The county registrar  
15 shall record a death certificate received pursuant to  
16 this paragraph in the same records in which the death  
17 certificate of a decedent who died within the county is  
18 recorded. The state registrar may provide the county  
19 registrars with electronic access to vital records in  
20 lieu of the requirements of this paragraph.>  
21 2. Page 1, after line 12 by inserting:  
22 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The section  
23 of this Act amending section 144.26, being deemed of  
24 immediate importance, takes effect upon enactment.>  
25 3. Title page, line 1, after <to> by inserting  
26 <vital statistics, including>  
27 4. Title page, line 1, after <permit> by inserting  
28 <and the transmission and recording of certain death  
29 certificates, and including effective date provisions>  
30 5. By renumbering as necessary.

**By** MARY JO WILHELM

**S-5119** FILED MARCH 21, 2012  
ADOPTED

HOUSE FILE 2379

S-5116

1 Amend House File 2379, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, before line 1 by inserting:  
4 <Section 1. NEW SECTION. 901C.1 Expunging criminal  
5 records by the judicial branch.  
6 1. As used in this section, "expunged" means the  
7 same as defined in section 907.1.  
8 2. If a person is arrested and all counts and  
9 related charges are later dismissed, or the person is  
10 found not guilty on all counts and related charges  
11 stemming from the arrest, or the person is not  
12 subsequently charged with a crime after the arrest, the  
13 court's criminal record relating to the arrest, counts,  
14 and charges shall be expunged.  
15 3. The provisions of this section apply to cases  
16 occurring prior to, on, or after the effective date of  
17 this Act.>  
18 2. Page 1, line 5, after <criminal> by inserting  
19 <or civil>  
20 3. Page 3, line 27, by striking <or related charge>  
21 and inserting <, related charge, or arrest>  
22 4. By renumbering as necessary.

By PAT WARD  
PAM JOCHUM

S-5116 FILED MARCH 21, 2012  
WITHDRAWN

# Fiscal Note

*Fiscal Services Division*



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**HF 2169** – Military Active Duty Income Tax Exclusion (LSB 5092HZ)  
Analyst: Jeff Robinson (Phone: 515-281-4614) ([jeff.robinson@legis.state.ia.us](mailto:jeff.robinson@legis.state.ia.us))  
Fiscal Note Version – As passed the House

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## **Description**

**House File 2169** expands Iowa's income tax exclusion for military pay received while on active duty. The exemption is expanded to include qualified members of the National Guard or Armed Services Reserve for service pursuant to Title 32 of the U.S. Code (32 U.S.C section 502(f) and 32 U.S.C. sections 709(a) & (b)). The exemption is retroactive to January 1, 2012.

## **Assumptions**

- There are 2,024 Iowans currently serving under Title 32.
- Over the next five years, the number of personnel impacted will be constant.
- Using the ranks of the personnel involved and military pay schedules, the Department of Revenue income tax model was used for income tax projections.
- Due to the retroactive applicability provision and an assumed enactment date within the next two months, there will be some impact in FY 2012 due to withholding adjustments.
- The remaining impact for the remainder of FY 2012 will not occur until FY 2013 when the impacted personnel file income tax returns.

## **Fiscal Impact**

**House File 2169** will reduce the Iowa income tax owed by members of the National Guard and Armed Services Reserve serving under Title 32. The estimated income tax reduction is found in the following table.

Tax Reduction in Millions of Dollars	
Fiscal Year	Tax Reduction
FY 2012	\$ -0.4
FY 2013	-5.5
FY 2014	-4.5
FY 2015	-4.6
FY 2016	-4.8

## **Sources**

Department of Revenue  
Iowa National Guard

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/s/ Holly M. Lyons

March 21, 2012

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The fiscal note for this bill was prepared pursuant to **Joint Rule 17**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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